

Message Text

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PAGE 01 STATE 302053
ORIGIN PM-04

INFO OCT-01 EA-07 ISO-00 L-03 DODE-00 INR-07 H-01 CIAE-00
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DRAFTED BY STATE:JBLAKE/KBLEAKLEY:KA
APPROVED BY EA/PHL:BAFLECK
AF:COL. THORPE
L/EA:PNORTON (SUBSTANCE)
PM/ISO:JSCOTT (SUBSTANCE)

----- 114462 /74 -60

R 131955Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY MANILA

C O N F I D E N T I A L STATE 302053

E.O. 11652: GDS

TAGS: MARR, RP, US

SUBJECT: CASE OF TSGT JAMES E. HORNE

REFS: A. MANILA 8297 DTG 110756Z JUN 76
B. STATE 113194 DTG 090133Z MAY 76
C. 3 CSGP CLARK AB 201412, SEPT 76

1. WITH CURRENT LULL IN BASE NEGOTIATIONS WE BELIEVE IT IS AN APPROPRIATE TIME TO REVIEW THE HORNE CASE WHICH HAS BEEN PENDING SINCE 1972. WE CANNOT ASSURE THAT THE CASE WILL REMAIN FOREVER OUT OF THE PUBLIC VIEW. IT IS CLEAR THAT ANY SCRUTINY WITHIN THE U.S. OF THE WAY THE CASE WAS TRIED AND THE DELAYS ENCOUNTERED IN THE APPEAL WILL REFLECT BADLY ON BOTH SUBSTANCE AND PROCEDURE OF PHIL JUDICIAL PROCESS. (FYI: AIR FORCE LAWYERS BELIEVE WE MIGHT BE VULNERABLE TO ACTION IN UNITED STATES COURTS WHICH WOULD FORCE US AT SOME POINT TO TAKE UNILATERAL ACTION TO REMOVE SGT. HORNE FROM THE PHILIPPINES, IF NO AGREED SOLUTION TO THE PROBLEM CAN BE FOUND. END FYI)

2. EMBASSY'S R" F A OF JUNE 11 INDICATED UNDER SECRETARY OF JUSTICE MACARAIG WAS FOLLOWING CASE AND ANTICIPATED A CONFIDENTIAL

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DECISION IN THE "VERY NEAR FUTURE". CLARK AIR BASE

REPORTED IN REF C THAT MACARAIG STATED HE WOULD SEEK

SUPREME COURT ACTION BY MID-DECEMBER. REQUEST EMBASSY
PROVIDE STATUS REPORT AND RECOMMENDATIONS AS TO APPROPRI-
ATE COURSE OF ACTION AT THIS TIME, INCLUDING POSSIBILITY
OF AMBASSADOR DISCUSSING THIS CASE WITH PRESIDENT MARCOS.
KISSINGER

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NNN

Message Attributes

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